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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SKYWEST PILOTS ALPA ORGANIZING  
COMMITTEE, *et al.*,

Plaintiffs,

vs.

SKYWEST AIRLINES, INC.,

Defendant.

C 07

CASE NO.

2688

DECLARATION OF  
ANDY BHARATH IN SUPPORT OF  
TEMPORARY RESTRAINING ORDER  
AND PRELIMINARY INJUNCTION

**Declaration of Andy Bharath**

1. My name is Andy Bharath. I reside in Newport Beach, California. I have been an airline pilot employed by SkyWest Airlines since July, 1998. I currently serve as an RJ captain based in Denver, Colorado. In the course of my flying duties, I pass through several different airports in a typical month, including San Francisco International Airport.

2. I have been and remain an open and active member of the SkyWest Pilots ALPA Organizing Committee [the "OC"], which was formed to encourage the pilots of SkyWest to elect ALPA as their collective bargaining representative. The pilots of SkyWest are not represented by a labor union for collective bargaining purposes.

3. My first conflict with management was over my wearing of an ALPA lanyard. ALPA, the Air Line Pilots Association, Intl., provided the OC with dark-colored lanyards with the phrase "Air Line Pilots Association, Int'l." stamped on them with white ink. When the campaign began, ALPA handed out lanyards to OC members and other pilot supporters who

wanted to show support for ALPA and the OC. The lanyards also served as a way to identify like-minded pilots.

4. In August or September of 2006, Capt. Tony Fizer, regional Assistant Chief Pilot for the bases including Salt Lake City, approached me and asked why I was wearing an ALPA lanyard. Capt. Fizer then informed me that I could not wear an ALPA lanyard. I asked why not and he told me that I was not represented by ALPA and that company policy states that pilots cannot wear lanyards that have any logo or decoration other than the name "SkyWest". I pointed out to him what we both already knew: many pilots wear lanyards with non-SkyWest logos. He requested that I drop the issue, and gave me a plain, black lanyard to wear instead. A few days later, Capt. Fizer again spotted me wearing the ALPA lanyard and again requested that I remove it. I told him that by asking only me to remove my logo lanyard he was discriminating against me as a union supporter and he again requested that I follow his order to remove the lanyard and drop the issue. I removed the lanyard, and since that time I have worn my ALPA logo lanyard only when dressed in civilian clothes.

5. Following these two conversations with Capt. Fizer, I contacted Todd Emerson, SkyWest General Counsel for Operations, who I knew from a previous experience when I was asked to be a possible witness in litigation against SkyWest. In the course of the organizing campaign he had invited me to contact him if I felt that I was being treated improperly in any way. I informed Mr. Emerson of Capt. Fizer's actions and of my objection to the company targeting pilots who wore ALPA lanyards. Nevertheless, non-SkyWest logo lanyards remain a common sight around SkyWest crew rooms and facilities, and yet ALPA supporters are still regularly confronted when they wear ALPA lanyards.

6. In late 2006, I contacted Capt. Roy Glassey, Chief Pilot in Chicago, to complain that ALPA fliers -- alone among the many kinds of fliers and notices posted -- had been removed from the crew room message boards at O'Hare International Airport. Crew rooms, also known as crew lounges, are areas where pilots may relax, eat, and take breaks between flights. Pilots post many different fliers and notices on crew room message boards, including many fliers and notices that are not work related -- for example, I have seen notices for services and sales and

solicitations for charitable organizations. Pilots are also permitted to leave general interest materials, such as newspapers, on tables or elsewhere in crew lounges.

7. In response to my inquiry, Capt. Glassey stated that in order to post something on a message board in a crew lounge one must first obtain company consent. I sought clarification from Capt. Glassey about exactly what the policies are for management approval of posted literature and he said he would have to ask upper management. He never replied to my question. ALPA postings continue to be removed.

8. In late February or early March 2007, I asked Capt. Jeff Curry, Chief Pilot in Denver, about what privileges the OC has to post fliers and other information in the crew area at Denver International Airport. Capt. Curry stated that putting materials out in the crew lounge was solicitation and therefore violated company policies against solicitation on company property. Capt. Curry said he had personally removed ALPA fliers put up by the OC in the Denver crew room. When I asked him what the policy was

that allowed him to pull down ALPA fliers and leave all others up, he said that he would ask his superiors.

9. The SkyWest Airlines Pilots Association ["SAPA"], an organization of pilots developed and completely financed by the company which supposedly speaks on behalf of the pilots, regularly posts and distributes materials in the crew room and these materials are not removed.

10. In addition, roughly three months ago I spoke with Capt. Jim Black about SAPA's practice of addressing new hire classes. Capt. Black is a Vice-President of SAPA and is not a management pilot. I spoke with him because I learned that Capt. Black was deliberately spreading misinformation about ALPA to the new hire class. I called him to clarify the misstatements and to seek the right to talk to the new hires. Capt. Black responded that "Brad would never go for that", referring to Brad Holt, SkyWest Vice-President of Flight Operations, and told me that I could attend the meeting but not speak or address the pilots.

11. On March 15 the OC sent a letter to Brad Holt asking that the company give the OC the rights to which it is

entitled by the law; namely to communicate with the pilot group without interference from the company, in the same way that SAPA is allowed to communicate with the pilot group. We did not receive a reply, and on April 12, 2007 I called Brad Holt to request a meeting to discuss the letter. My message requesting that he call back was later returned by Todd Emerson.

12. Mr. Emerson and I spoke for about 30 minutes. Mr. Emerson acknowledged that Mr. Holt had received the letter in question and informed me that Mr. Holt's response was a "polite no" on all counts. I asked about a number of issues outlined in the letter and Mr. Emerson again responded that the answer was a "polite no".

13. Mr. Emerson went on to inform me that SkyWest management recognizes SAPA as the official representative of the pilot group. He also expressed the view that a lot of people do not want to see a union here. He did not specify to whom he was referring in the last statement. Mr. Emerson also stated that, as the management did not want a union on the property, they are not obligated to cooperate with ALPA, members of the OC or supporters. Mr. Emerson also informed me that the "open door" policy he has

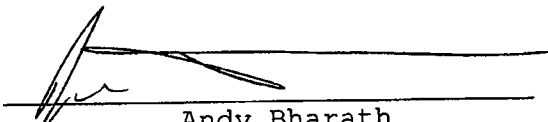
previously described to me is still available as to any issues that might arise - except for discussion of ALPA organizing-related issues.

14. SAPA also is allowed to use pilot email addresses to communicate electronically with the pilot group, but the OC has not been allowed to use these addresses or to communicate through company email.

15. SkyWest's practice of removing any ALPA-related material from its bulletin boards and crew rooms and its refusal to allow the OC to use company email has made it extremely difficult to reach the entire pilot group. Unlike SAPA, which has free access to these lines of communication, the OC has been unable to present its views to the pilots who are affected by this organizing drive.

Under penalty of perjury, I affirm that the information herein is complete and accurate to the best of my ability and recollection.

05/17/07  
Date

  
Andy Bharath